

### THE PRESIDENT'S ANSWER.

BY TELEGRAPH TO THE TRIBUNE.

The Chief Justice put to the Court a motion that the answer be received and filed, and the motion was adopted without dissent. Mr. Bontwell immediately rose and said, in behalf of the Managers, that they would be ready with their replication to-morrow. The Court seemed on the point of adjourning, when Mr. Evans entered a request which detained it two hours in discussion. This was that the President's counsel have thirty days' time granted them to get ready for the trial. Mr. Evans spoke briefly, and

THE SENATE AS A COURT OF IMPEACHMENT.  
[Associated Press Report.]

ant, the President of the United States, responsible for the conduct of the Secretary for the Department of War, and having the constitutional right to resort to and rely upon the person holding that office for advice concerning the great and difficult public duties enjoined on the President by the Constitution and laws of the United States, became satisfied that he could not allow the said Stanton to continue to hold the office of Secretary for the Department of War, without having said Stanton and the President fully understood the relations between the President and the President's Secretary, and admitted the President to resort to him for advice, or to be, in the judgment of the President, safely responsible for his conduct of the affairs of the Department of War as by law required, in accordance with the orders and instructions of the President, and thereupon by force of the Constitution and laws of the United States which devolve on the President the power and the duty to control the conduct of the business of that Executive Department of the Government, and by the force of the constitutional duty of the President to take care that the laws be faithfully executed, this respondent did necessarily conclude, and did determine that the said Stanton could no longer hold the said office of Secretary for the Department of War. And this respondent, by virtue of the power and authority vested in him as President of the United States, by the Constitution and laws of the United States, to give effect to such his decision and determination, did on the 25th

entrusted by the Constitution with the power, and subjected by it to the duty not only of determining finally the construction and effect of all acts of Congress, but by comparing them with the Constitution of the United States, and pronouncing them in operative where found to conflict with that fundamental law which the people have enacted for the government of all their servants.

And to these ends, first, that through the action of the Senate of the United States, the President be authorized to substitute some fit person in place of Mr. Stanton as one of his advisers, and as a principal subordinate officer, whose official conduct he was responsible for and had lawful right to control, might, if possible, be accomplished without the necessity of raising any one of the questions aforesaid: and, secondly, if this duty could not be so performed, then that these questions, or such of them as might necessarily arise, should be judicially determined by the Supreme Court aforesaid, and for no other purpose, this respondent, as President of the United States, on the 12th day of August, 1867, seven days after the reception of the letter of the said Stanton, of the 12th day of August, heretofore stated, did issue to the said Stanton the order following, viz:

EXECUTIVE MANSION, WASHINGTON, Aug. 12, 1867.  
SIR: By virtue of the power and authority vested in me as President, by the Constitution and laws of the United States, you are hereby suspended from office as Secretary of War, and will cease to exercise all functions

by him in the performance of what he believed to be an imperative official duty. In the performance of what this honorable committee will consider was, in point of fact, an imperative official duty. And he denies that any and all substantive matters in the said first article, contained in, under and form as the same and therein stated and set forth, and by law constitute a high misdemeanor in office within the true intent and meaning of the Constitution of the United States.

ANSWER TO ARTICLE II.—And for answer to the second article, this respondent says, That he admits he did issue and deliver to said Lorenzo Thomas the said warrant set forth in the said first article, bearing date at Washington, D. C., February 21, 1868, addressed to Brevet Major-General Lorenzo Thomas, Adjutant-General U. S. Army, Washington, D. C.; and he further admits that the same was so issued without the advice and consent of the Senate of the United States then in session, but he denies that he thereby violated the Constitution of the United States or any law thereof, or that he did thereby intend to violate the Constitution of the United States or the provisions of any act of Congress; and the respondent refers to his answer to the said first article, for a full statement of his motives and intentions with which said order was issued, and adopts the same as part of his answer to this article; and he further denies that there was then and there was no vacancy in the said office of Secretary for the

under Secretary of War, and to the answer given by the fourth article, and to the answer given by the fifth article, as to his intent and purpose in issuing the orders for the removal of Mr. Stanton, and the authority given to the said Thomas, and prays judgment therefrom as if the same were here again repeated and fully set forth. And this respondent excepts to the sufficiency of the said fifth article, and states his ground for such exception, that it is not alleged by what means, or by what argument, the said alleged conspiracy was formed, or how it was carried out, or in what way said act was attempted to be carried out, or what were the acts done pursuant thereto.

ANSWERS TO ARTICLE VI.—And for answer to the said sixth article this respondent denies that on the said 21st day of February, 1868, at Washington, aforesaid, or at any other time or place, he did unlawfully conspire with the said Thomas by force to seize, take, or possess the property of the United States, in the Department of War, contrary to the provisions of the said acts referred to in the said article, or either of them, or with intent to violate either of them. Respondent protesting that said Stanton was not then and there Secretary for the Department of War, not only denies the said conspiracy as charged, but also denies any unlawful intent in reference to the custody and charge of the property of the United States in the said Department of War, and again refers to

of their own minds. These provisions are out of the question, but I am compelled to defend necessary appropriations if I withhold my signature from the act. Preserved by these considerations I feel that I have done the best I can for my signature, but the company it was with my earnest protest against the second which I have indicated.

Washington, D. C., May 22, 1867.

Respondent, therefore, did no more than to express to E. Emory the same opinion which he had so expressed to the House of Representatives.

ANSWER TO ARTICLE X.—And, in answer to the tenth clause and specification thereof, the respondent says that on the 14th and 15th days of August, in the year 1864, a political convention of delegates from all or most of the States and Territories of the Union, was held in the City of Philadelphia, under the name and style of the National Union Convention, for the purpose of maintaining and advancing certain political views and opinions among the people of the United States, and for their support and adoption in the exercise of the Constitutional prerogative, in the elections of Representatives and Delegates in Congress, which were soon to occur in many of the States and Territories of the Union, which said Convention, in the course of its proceedings, and in furtherance of the objects of the same, adopted a "Declaration of Principles," and "An address to the people of the United States," and appointed a committee of two of its

See Ninth Page.